

STATE OF MAINE
PUBLIC UTILITIES COMMISSION

Docket No. 2000-890

November 3, 2000

MAINE PUBLIC UTILITIES COMMISSION
Rulemaking Amendment to Chapter 301,
62(C)(2) (Termination of Service by Medium
and Large Non-Residential Customers and
Aggregators; Applicability of Opt-Out Fee)

ORDER ADOPTING
EMERGENCY RULE
(Part I)

WELCH, Chairman; NUGENT and DIAMOND, Commissioners

At a special deliberative session held today, we voted to adopt, on an emergency basis pursuant to 5 M.R.S.A. § 8054, an amendment to the standard offer rule (Chapter 301) that reinstates the original and previously existing opt-out fee provision.

The original opt-out fee provision of Chapter 301 required that a customer who began taking standard offer service after taking service from a competitive provider must either continue to take standard offer service for 12 months or pay an opt-out fee equal to one-month's generation bill to the standard offer supplier. By our August 2000 amendment, we changed the opt-out provision to apply only if a customer has taken standard offer service during the summer months; if so, the customer must remain on standard offer service through the following February or pay an opt-out fee equal to the sum of its two highest standard offer bills.

We have concluded that, by our August amendment to the opt-out provision, we inadvertently and unfairly weakened the deterrent effect of the opt-out provision. Because of the imminent and substantial harm that will occur because of our inadvertent error, both to CMP's current wholesale standard offer supplier and to customers of future standard offer suppliers, we find that we must immediately reinstate the original opt-out fee provision. We issue this order in two parts – this Part I Order that describes and adopts our rule amendment and a Part II order that will describe our reasoning in more detail and will discuss the considerable comments we received from interested persons.

Accordingly, we

O R D E R

1. That the attached Chapter 301, Standard Offer Service, is hereby adopted;
2. That the Administrative Director shall send copies of this Order and attached rule to :

- a. All persons who have filed with the Commission within the past year a written request for notice of rulemakings;
- b. All persons on the service list in the rulemaking, Public Utilities Commission, Bidding Processes and Terms and Conditions for Standard Offer Service (Chapter 301), Docket No. 97-739;
- c. All persons who filed comments in Docket No. 2000-489;
- d. All licensed competitive electricity providers in the State;

Dated at Augusta, Maine, this 3rd day of November, 2000.

BY ORDER OF THE COMMISSION

Dennis L. Keschl
Administrative Director

COMMISSIONERS VOTING FOR: Welch
Nugent
Diamond

NOTICE OF RIGHTS TO REVIEW OR APPEAL

5 M.R.S.A. § 9061 requires the Public Utilities Commission to give each party to an adjudicatory proceeding written notice of the party's rights to review or appeal of its decision made at the conclusion of the adjudicatory proceeding. The methods of review or appeal of PUC decisions at the conclusion of an adjudicatory proceeding are as follows:

1. Reconsideration of the Commission's Order may be requested under Section 1004 of the Commission's Rules of Practice and Procedure (65-407 C.M.R.110) within 20 days of the date of the Order by filing a petition with the Commission stating the grounds upon which reconsideration is sought.
2. Appeal of a final decision of the Commission may be taken to the Law Court by filing, within 30 days of the date of the Order, a Notice of Appeal with the Administrative Director of the Commission, pursuant to 35-A M.R.S.A. § 1320(1)-(4) and the Maine Rules of Civil Procedure, Rule 73, et seq.
3. Additional court review of constitutional issues or issues involving the justness or reasonableness of rates may be had by the filing of an appeal with the Law Court, pursuant to 35-A M.R.S.A. § 1320(5).

Note: The attachment of this Notice to a document does not indicate the Commission's view that the particular document may be subject to review or appeal. Similarly, the failure of the Commission to attach a copy of this Notice to a document does not indicate the Commission's view that the document is not subject to review or appeal.